

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ROGER PENMAN,)
Petitioner,)
v.) Docket No. 1:19-cv-00545-NT
JEFFREY MORIN,)
Respondent.)

**ORDER AFFIRMING THE
RECOMMENDED DECISION OF THE MAGISTRATE JUDGE**

Petitioner Roger Penman seeks relief pursuant to 28 U.S.C. § 2254 (ECF No. 1). Petitioner also moves for discovery (ECF No. 8) and moves for default judgment (ECF No. 10). The State contends the petition was not timely filed in accordance with 28 U.S.C. § 2244(d) and asks the Court to dismiss the petition (ECF No. 3). The United States Magistrate Judge filed with the Court on April 3, 2020, his Recommended Decision on Petitioner's request for relief pursuant to 28 U.S.C. § 2254 (ECF No. 14). The Petitioner filed an objection to the Recommended Decision on April 17, 2020 (ECF No. 18).

I have reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in his Recommended Decision, and determine that no

further proceeding is necessary. It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **AFFIRMED** and the State's Motion to Dismiss is **GRANTED**, the Petitioner's Motion for Discovery is **DENIED**, the Petitioner's Motion for Default Judgment is **DENIED**. It is further **ORDERED** that no certificate of appealability should issue in the event the Petitioner files a notice of appeal because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c)(2).

SO ORDERED.

/s/ Nancy Torresen
United States District Judge

Dated this 27th day of April, 2020.